

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC., ELSEVIER B.V.,
WALTER de GRUYTER GmbH & CO. KG,
MASSACHUSETTS MEDICAL SOCIETY,
WILEY-LISS, INC., and
WILEY PERIODICALS, INC.,

Plaintiffs,

v.

FEDERAL STATE OF
NORDRHEIN-WESTFALEN, GERMANY,
d/b/a ZBMED,

Defendant.

CIVIL ACT..NO. 04-10050-NG-MB

JOINT MOTION TO AMEND SCHEDULING ORDER

and TO CONTINUE STATUS CONFERENCE

The parties jointly move to continue the Status conference scheduled for Thursday June 23, 2005 at 2:00pm to the first week in September (after Labor Day) September 7, 2005 at 2:00pm or a time thereafter that is convenient to the Court and to amend the deadlines set out in the Scheduling Order entered by this Court at the Status Conference on November 23, 2004, as follows:

- October 25, 2005: All motions pursuant to Fed. R. Civ. P. 12, 15, 19, and 20 filed.
- January 31, 2006: All discovery on copies delivered into the United States completed.
- May 3, 2006: All dispositive motions pursuant to Fed. R. Civ. P. 56, with respect to copies delivered into the United States, filed.

As grounds for this motion, the parties state:

1. When counsel jointly last reported to the Court on the status of the case on May 24, 2005, two settlement issues remained outstanding: 1) a remaining gap in the parties' positions on the settlement amount; and 2) revision of the settlement agreement to incorporate the terms of settlement for both the related case pending in London and the present case before this Court – as the revised agreement must meet the procedural requirements of both proceedings.

2. Based on a telephone conference late last week, counsel believe that both of these items have now been achieved, although they will need to get signoff from their clients. Counsel believe that the parties have thus in principle settled the present action. However, the final agreement will have to be reviewed and signed by numerous parties in several countries, including the German Government Ministry that oversees the Central Medical Library (ZBMed). Thus, the procedure mechanics of concluding the case will as a practical matter require some additional time. Counsel estimate that up to 60 days will be needed to do this.

The parties agree that it would be the best and most efficient use of the Court's time and counsels' time to continue to focus on putting the agreement into final and executed form.

3. Counsel have conferred with Ms. Dianalynn Saccoccio of Chambers by e-mail to advise the Court of the parties' progress as stated above. The parties are available for a status conference on September 7 or thereafter on other days that week or the following week as the Court prefers.

4. Accordingly, the parties jointly request that their status conference of June 23, 2005 be adjourned to September 7, 2005 at 2:00pm (or later as is preferable for the

Court) and that the deadlines set forth in the Scheduling Order be extended each as noted above.

Respectfully submitted,

BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC.,
ELSEVIER SCIENCE B.V.,
WALTER de GRUYTER GmbH & CO. KG,
WILEY-LISS, INC., and
WILEY PERIODICALS, INC.,
Plaintiffs
By their attorneys,

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FEDERAL STATE OF NORDRHEIN-
WESTFALEN, GERMANY, d/b/a
ZBMED,
Defendant

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Dated: June 21, 2005